

# Massachusetts Senate approves under-21 ban on tobacco sales

April 28 2016, by By Bob Salsberg

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The Massachusetts Senate voted overwhelmingly Thursday to raise the minimum age for purchasing cigarettes and other tobacco products across the state, which could make it the second to raise its threshold to 21 years old.

The higher age is already in effect in Boston and more than 100 other cities and towns, covering about half the state's population.

The bill, which moves to the House after being approved on a 32-2 vote, also sets new regulations for electronic cigarettes including a ban on vaping in places where smoking is otherwise prohibited. It would also ban the sale of tobacco in pharmacies and other [health care facilities](#).

Stores caught selling tobacco to people under 21 would face fines ranging from \$100 to \$300.

An amendment added by senators without debate would also make it illegal for anyone under age 18 to smoke or possess [tobacco products](#), and require police to notify the parents of children caught with tobacco. But there would be no other penalties and the infraction would not appear on any criminal record.

Hawaii became the first U.S. state last year to raise the tobacco purchase age to 21, and other states are considering the change.

"Young people whose brains are still developing and haven't reached full

maturity are particularly vulnerable to nicotine addiction," said Sen. Jason Lewis, a Winchester Democrat and principal author of the Massachusetts bill.

Supporters faulted [tobacco companies](#) for marketing strategies aimed at youth and pointed to studies that show most smokers tried their first cigarettes as teens. Raising the minimum purchase age from the current 18 to 21 would help to remove tobacco from high school and middle social networks, Lewis contended, because teens are less likely to socialize with people over 21.

Anyone who has reached age 18 by Jan. 1, the effective date of the proposed law, could continue to buy tobacco.

Sen. Donald Humason, a Westfield Republican and one of two senators who voted against the bill, said he has never smoked or even tried a cigarette.

"I hope that no one will take up the habit, but as a senator or an individual I will not try to tell a law-abiding adult what to do," said Humason. "Tobacco is still legal in this state as disgusting as some of us think it is."

Jon Hurst, president of The Retailers Association of Massachusetts, said the bill would hurt many retailers, especially smaller stores near borders with neighboring states where the purchase age remains 18.

"We're not Hawaii, we're not an island," said Hurst. "We have members on the border who clearly are going to be hurt," he said.

Hurst suggested his organization might accept the age 21 requirement if lawmakers included assurances that cities and towns could not take further steps on their own in regulating tobacco.

The bill also appears to have support in the House. Republican Gov. Charlie Baker has said he'll review the language if it reaches his desk but supports the concept of raising the tobacco age.

In California, Gov. Jerry Brown is weighing a bill passed by the Legislature in March that lifts the age for purchasing tobacco from 18 to 21. Connecticut, Rhode Island and Vermont are among other states where bills have been filed. New Jersey lawmakers approved a [tobacco](#)-21 bill in January, but Gov. Chris Christie declined to sign it.

**More information:** Massachusetts tobacco bill:  
[malegislature.gov/Bills/189/Senate/S2234](http://malegislature.gov/Bills/189/Senate/S2234)

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